

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 11, 14, 20 and 24 have been amended. Claims 17-19 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-16 and 20-30 are presented for examination.

### 35 U.S.C. § 103 Rejection

Claims 1-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Achour et al., U.S. Patent No. 6,363,260 (“Achour”) and Jungck et al., U.S. Pub No. 2002/0009079, (“Jungck”).

Applicant respectfully submits that Achour discloses a “method to enhance *performance of a dual-mode or dual-band mobile telephone* includes, after the phone has initially connected to a CDMA wireless network, *monitoring a level of total power received by the phone.*” (Abstract; emphasis provided). Achour further discloses that “a *list of preferred service provider systems is kept in a preferred roaming list . . . [t]he preferred roaming list is a list of frequencies and bands in different parts of the country.*” (col. 7, lines 60-64; emphasis provided). The “mobile phone first determines *whether it is receiving sufficient total power to permit a satisfactory level of performance by the cell phone.* If so, the mobile phone enters the idle state for further monitoring. If not enough total power is reaching the mobile phone, it exists the first service provider system to find a better service provider system.” (col. 6, lines 36-41; emphasis provided).

Jungck discloses an “apparatus and method for *enhancing the infrastructure of a network such as the Internet.*” (Abstract; emphasis provided).

In contrast, claim 1, in pertinent part, recites “upon detecting disturbance from the

first edge site, selecting a second edge site from the preferred list as the active site and requesting the media content from the second edge site to provide an uninterrupted stream of the media content to the client.” (emphasis provided). Achour discloses a list of preferred service provider systems (col. 7, lines 60-61); however, Achour does not teach or reasonably suggest that when an active site encounters a disturbance that a second edge site is selected as the active site, as recited by claim 1. Jungck discloses enhancing the infrastructure of a network (Abstract); however, Jungck fails to teach or reasonably suggest that when an active site encounters a disturbance that a second edge site is selected as the active site, as recited by claim 1. Therefore, Applicant submits that neither Achour nor Jungck, individually, or when combined, in any combination teach or reasonably suggest “upon detecting disturbance from the first edge site, selecting a second edge site from the preferred list as the active site and requesting the media content from the second edge site to provide an uninterrupted stream of the media content to the client.” (emphasis provided). Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 11, 14, 20 and 24 include limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 11, 14, 20 and 24 and their dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary.

Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

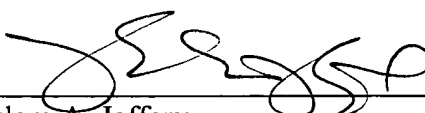
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: June 14, 2006

  
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